

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BLUE CROSS BLUE SHIELD	:	CIVIL ACTION
ASSOCIATION, et al.	:	
	:	No. 13-4663
v.	:	
	:	
GLAXOSMITHKLINE LLC	:	

ORDER

AND NOW, this 30th day of September, 2019, upon consideration of Defendant GlaxoSmithKline LLC's (GSK) "Motion to Exclude the Expert Testimony of Philip Russ, Drs. David Kessler, Matthew Perri, Stephen Schondelmeyer, and Rena Conti," the briefing thereon, and the parties' presentations at the March 12, 2019 oral argument on the Motion, and for the reasons set forth in the accompanying Memorandum, it is ORDERED the Motion (Document 202) is GRANTED in part and DENIED in part as follows:

1. The Motion is GRANTED insofar as Dr. David Kessler shall be prohibited from defining "materiality" or referring to certain cGMP violations as having a "material impact";
2. The Motion is GRANTED insofar as Dr. Stephen Schondelmeyer shall be excluded from testifying at trial; and
3. The balance of the Motion is DENIED.

It is further ORDERED Plaintiffs' "Motion for Leave to Submit Two September 3, 2019 Decisions in *National Prescription Opiate Litigation* as Supplemental Authority" (Document 291) is DENIED.¹

¹ On September 6, 2019, Plaintiffs moved to submit two rulings issued on September 3, 2019, in *In re National Prescription Opiate Litigation*, MDL 2804, No. 17-2804 (N.D. Ohio), in support of their opposition to GSK's motion to exclude. GSK filed an opposition to the motion on September 10, 2019, asserting the proffered opinions have no bearing on the instant motion. The Court declines to supplement the record with the proffered non-binding opinions. Therefore, Plaintiffs'

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.

motion is denied. Nevertheless, the Court has taken judicial notice of the opinions in *In re National Prescription Opiate Litigation*. See *Schuylkill Health Sys. v. Cardinal Health, Inc.*, No. 12-7065, 2014 WL 3805466, at *1 n.1 (E.D. Pa. Mar. 14, 2014) (taking judicial notice of opinions filed outside of the Eastern District of Pennsylvania).